Approved for Release: 2020/09/23 C06844734

FILED: November 30, 2005

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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No. 05-6396

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JOSE PADILLA,

Petitioner - Appellee,

versus

COMMANDER C.T. HANFT,
USN COMMANDER, CONSOLIDATED NAVAL BRIG

Respondent - Appellant.

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ORDER

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The United States has filed a motion for authorization to transfer appellee Jose Padilla out of military custody into the custody of law enforcement officials in the State of Florida. The motion is unopposed by Padilla.

Upon consideration of the motion, the parties are hereby directed to address the question whether, if the government's motion is granted, the mandate should be recalled and our opinion of September 9, 2005, vacated as a consequence of the transfer and in light of the different facts that were alleged by the President to warrant Padilla's military detention and held by this court to justify that detention, on the one hand, and the

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alleged facts on which Padilla has now been indicted, on the other.

The brief on behalf of the United States should be filed no later than December 9. The brief for appellee should be filed no later than December 16.

Entered at the direction of Judge Luttig, with the concurrence of Judge Michael and Judge Traxler.

For the Court,

/s/ Patricia S. Connor

CLERK

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